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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,670	04/09/2007	Petrus Jacobus Keirsgieter	932017	4738

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EGBERT LAW OFFICES
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HOUSTON, TX 77002

EXAMINER

BALLINGER, MICHAEL ROBERT

ART UNIT	PAPER NUMBER
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3732

MAIL DATE	DELIVERY MODE
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10/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,670	Applicant(s) KEIRSGIETER, PETRUS JACOBUS	
	Examiner MICHAEL R. BALLINGER	Art Unit 3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In acknowledgement of the amendments filed 8 June 2009, claims 13-23 are currently pending.

Drawings

2. The drawings were received on 8 June 2009. These drawings are not acceptable.

3. The drawings are objected to because the newly added "cable" feature was not included with an accompanying reference number. The Examiner suggests amend the drawings to simply indicate the "cable" with a reference numeral and amending the specification to also refer to that numeral. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Specification

4. The amendment filed 8 June 2009 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: paragraph 0037 of the marked up version of the specification filed 8 June 2009 states “By virtue of the present invention, it is *impossible* to incorporate the technical portions fo the dental treatment apparatus in a treatment unit and to disconnect this treatment unit from the base.” First, the Examiner notes, the original specification stated “it is possible to incorporate the technical part of the dental treatment apparatus in a treatment unit...” in paragraph 0024. Clearly the amendments of paragraph 0037 introduce new matter not supported by the original disclosure. Additionally, as emphasized in above, paragraph 0037 includes the typographical error "fo" on line 1.

5. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 13-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 13 recites the limitation “a first part having connector ports suitable for connection to the lines” on line 4 of the claim. There is insufficient antecedent basis for “the lines” in the

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body of the claim. Furthermore, it is unclear if "the lines" refers to the lines of the treatment unit or something else.

9. Additionally, claim 13 recites the limitation "said second part coupled to said first part" on lines 5-6 and "said cable suitable for pulling on said translatable pin so as to draw said first part towards said second part such that said connector ports of said first part are coupled to said connector ports of said second part" on lines 18-20. The first limitation clearly requires the first part to be coupled to the second part; however, the second recitation outlined above seemingly indicates that the first and second ports are not coupled until after the cable is pulled. It is therefore unclear to the Examiner if Applicant is intending to gain coverage for a first and second part coupled together or a first and second part capable of being coupled together upon the pulling of the cable and the connecting of the complementary ports. The Examiner suggests amending the claim to more clearly differentiate required structural limitations from recitations of function in the claim and to more clearly and definitely describe the invention.

10. Furthermore, the Examiner notes claims 14-23 do not include transitional phrases. The absence of transitional phrases renders claim 14-23 indefinite, as it is unclear whether or not the limitations included in those claims are merely optional or required. The Examiner suggest amending claims 14-23 to state for example: "The connecting apparatus of 13, whereby, said second part...".

11. Claim 22 recites the limitation "said inner flange member by a distance slightly greater than said thickness of said first part on lines 2-3 of the claim. There is insufficient antecedent basis for the limitation "said thickness" in the claims.

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Allowable Subject Matter

12. Claims 13-23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

13. The following is an examiner's statement of reasons for allowance: none of the prior art alone or in combination teaches or renders obvious a connecting apparatus including two parts, the first part including a key slot radially opening from a first opening in the first part, the key slot having a diameter that is less than the diameter of the outer flanged member of the second member and larger than the diameter of a translatable pin of the second part, where the key slot is for receiving the translatable pin in combination with the other elements and structure set forth in claim 13.

14. While the closest prior art of record to Hatakeyama teaches the device as substantially claimed, it fails to teach or suggest a key slot radially opening from the first opening in the first part. Furthermore, the inclusion of such a feature would not have been obvious to one having ordinary skill in the art in view of Hatakeyama because the respective first and second portions of Hatakeyama are disclosed as being "relatively rotatably and detachably" connected (column 2, lines 64-67). The addition of an asymmetric feature such as a key slot like that claimed would prohibit the relative rotation between the parts.

15. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

16. Applicant's arguments with respect to claims 13-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. BALLINGER whose telephone number is (571)270-5567. The examiner can normally be reached on Monday-Friday 7:30 A.M to 5:00 P.M. EST.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on (571)272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael R Ballinger/
Examiner, Art Unit 3732

/Cris L. Rodriguez/
Supervisory Patent Examiner, Art Unit 3732